

REMARKS

In the aforementioned Office communication, the examiner withdrew the prior objection to the application based on the reference to Broadway, but has rejected the application again under Section 102 based on the teachings in the reference to Christou et al. The examiner delineates the common features of the Christou product and the present invention, and concludes by stating, "Regarding the limitation of a dry-lay heat bond, the method of forming the device is not germane to the issue of patentability of the device itself," and, accordingly, this limitation of the claim was not given patentable weight.

The examiner's position is not fully understood first of all due to the fact that the last paragraph of independent claim 1, upon which the other claims in the application depend, calls for a polymer dry-lay layer bonded to a surface of at least one of the first and second fiber yarns with the polymer layer being without holes or discontinuities. This does not refer to a method of forming the product but rather defines a component of the flexible fabric covering (a polymer layer) and states that the polymer layer is dry bonded to the first or second yarns. In other words, the flexible fabric covering includes a first fiber yarn, a second fiber yarn bonded to the first yarn, and a polymer dry-lay layer bonded to a surface of at least one of the first and second fiber yarns with the polymer layer being without holes or discontinuities. The term bonded refers to how the various elements of the claim are interconnected. There is no mention of a method of how the product is formed but only that the polymer dry-lay layer is connected to the first or second fiber yarns with a bond and the first and second fiber yarns are bonded to each other. In other words, the elements of the product claim are not standing freely of

each other but rather are bonded together and the bonding of the polymer element is a "dry bond." It should also be noted a "dry-lay" bond is defined in paragraph [0011] of the published application as a bond between two materials created without the use of liquids such as chemical baths or dips. Accordingly, it is not understood why the examiner has not considered this as an element of the fabric covering product as opposed to a method limitation.

Further, the product defined in the present application and claimed in the claims as they currently exist is quite distinct from the product disclosed in the Christou et al. reference. In the present application, the flexible fabric covering product has a first fiber yarn, a second fiber yarn bonded to the first yarn, and a polymer dry-lay layer bonded to the surface of at least one of the first and second fiber yarns with the polymer layer being without holes or discontinuities. In other words, the polymer layer is a layer of the fabric covering product that does not have holes or discontinuities. It is clear in the specification with particular reference to paragraph [0024] of the published application that the polymer sheet 130 is generally contiguous, i.e. lacks holes or discontinuities therein. The fabric covering product as described in independent claim 1, is further defined in paragraph [0036] of the published application by stating that the final product itself is without void spaces in that the polymer layer melts and encapsulates the yarns so that capillary action draws the polymer into the interior of each gap between adjacent yarns thus filling in all of the void spaces defined by the yarns. In other words, the flexible fabric covering product of the present invention not only includes a polymer dry layer as one of the three layers of the product but the polymer dry-lay layer is further

without holes or discontinuities which results in a fabric covering product without holes or discontinuities.

The application of Christou et al. discloses a product which by design has voids between the yarns with the voids being open. Referring to paragraphs [0026] and [0027] of the Christou et al. published application, it will be appreciated the glass fiber mesh product is coated by soaking the mesh of glass yarns in a bath containing a treatment solution, then eliminating excess treatment solution using rollers. It is stated that this standard conventional process often results in obstruction from the holes or voids in the mesh and, accordingly, a second step is often used to remove the obstructions from the holes or voids. The Christou et al. application states as an alternative way of retaining the holes or voids in the mesh, i.e. preventing their obstruction, an anti-foaming agent might be used in the bath treatment. It is clear the product disclosed in Christou et al. is an open product having holes or voids therethrough which is consistent with the main object of the product being a light attenuating screen.

The Christou et al. invention or product first of all does not have a polymer dry-lay layer that has no holes or discontinuities as set forth in the claims of the present application, but rather the mesh of glass yarn is placed in a bath to get the desired coating (contrary to the description of a "dry-lay" bond as found in paragraph [0011] of the present application as published) and then the coating is subsequently treated to remove the coating material from the voids or holes between yarns so that the voids or holes exist in the final product. In the present invention, the polymer dry lay layer has

no holes or discontinuities and is retained that way so that the end product itself has no holes or discontinuities which are contrary to the product described in Christou et al.

Accordingly, for the reasons set forth above, it is not felt the application of Christou et al. discloses a flexible fabric covering product as described in independent claim 1 of the present application where the product has a polymer dry-lay layer and wherein that layer does not have holes or discontinuities. In fact, the Christou et al. product uses no dry-lay layer but rather has a liquid bond and consequently does not have a dry-lay layer without holes or discontinuities. Christou et al. dips the glass yarn mesh in a solution and then to make sure the final product does not have obstructions in the voids or holes through the mesh, the dip solution is removed from the voids between the yarns so the resultant product in fact does have holes and discontinuities contrary to the present invention.

As mentioned previously, claim 21 is the only independent claim remaining in the application and is felt to be allowable for the above reasons and due to its allowability all of the other claims remaining in the application which are dependent thereon are felt to be allowable for the same reasons.

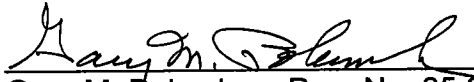
It would therefore be appreciated if the examiner would reconsider the final rejection of the application for the reasons noted above and allow the application to be passed to issue.

Should the examiner have any questions regarding any of the above, it would be appreciated if she would contact attorney for applicant at the below listed number.

Appl. No. 10/582,187
Reply to Office action of Jan. 5, 2010

.Dated this 5th day of May 2010.

Respectfully submitted,


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GMP/dtc